

ORDINANCE NO. 90- 32

AN ORDINANCE AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENTS AGREED TO BETWEEN PALM BEACH COUNTY AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN A STIPULATED SETTLEMENT AGREEMENT; CONTAINING AMENDMENTS MODIFYING, DELETING OR ADDING TO THE TEXT OF THE FOLLOWING ELEMENTS: INTRODUCTION/ADMINISTRATION, LAND USE, ECONOMIC, TRAFFIC CIRCULATION, MASS TRANSIT, SANITARY SEWER, POTABLE WATER, DRAINAGE, AQUIFER RECHARGE, HOUSING, HEALTH AND HUMAN SERVICES, RECREATION AND OPEN SPACE, CONSERVATION, COASTAL MANAGEMENT, HISTORIC PRESERVATION, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENT; AMENDING AND/OR ADOPTING THE FOLLOWING MAPS: 2010 INTERIM TRANSPORTATION SYSTEM PLAN MAP, THOROUGHFARE RIGHT-OF-WAY PROTECTION MAP, FUTURE MASS TRANSIT MAP, EXISTING AND FUTURE TRAFFIC GENERATORS AND ATTRACTORS MAP; LAND USE ATLAS MAPS MODIFIED TO REFLECT JONATHAN DICKINSON STATE PARK GREENLINE OVERLAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County adopted the 1989 Comprehensive Plan on August 31, 1989 in Ordinance No. 89-17; and

WHEREAS, the Department of Community Affairs issued a Statement of Intent to Find Comprehensive Plan Not In Compliance on October 26, 1989; and

WHEREAS, Palm Beach County entered into a Stipulated Settlement Agreement with Florida Department of Community Affairs which was signed by Carol J. Elmquist, Chairman of the Board of County Commissioners, December 12, 1989 and signed by Thomas G. Pelham, Secretary of the Department of Community Affairs, January 11, 1990; and

WHEREAS, in Exhibit B to the Stipulated Settlement Agreement, the Department of Community Affairs agreed to find the County's Comprehensive plan in compliance with Local Government Comprehensive Planning and Land Development Regulation Act if Palm Beach County adopts certain amendments to the Comprehensive Plan;

1 and

2 WHEREAS, Palm Beach County staff, in examining the adopted
3 Comprehensive Plan, found certain inconsistencies, discrepancies or
4 omissions in the Plan that necessitate changes to the adopted plan;
5 and

6 WHEREAS, the Board of County Commissioners of Palm Beach
7 County, sitting as the Local Planning Agency, held a duly
8 advertised public hearing on the proposed amendments to the
9 Comprehensive Plan on March 20, 1990 and recommended approval of
10 the amendments to the Board of County Commissioners; and

11 WHEREAS, the Board of County Commissioners of Palm Beach
12 County held a public hearing March 20, 1990 regarding transmittal
13 of the proposed amendments to the Florida Department of Community
14 Affairs; and

15 WHEREAS, the Board of County Commissioners by a majority vote
16 of the total membership of the Board approved transmittal of the
17 amendments to the Florida Department of Community Affairs at the
18 March 20, 1990 public hearing; and

19 WHEREAS, Palm Beach County transmitted the proposed
20 Comprehensive Plan Amendments to the Florida Department of
21 Community Affairs in a letter dated March 20, 1990 and transmitted
22 additional information to the Department of Community Affairs in a
23 letter dated April 10, 1990; and

24 WHEREAS, Palm Beach County has received Objections,
25 Recommendations and Comments regarding the proposed amendments from
26 the Department of Community Affairs in a letter dated July 20,
27 1990; and

28 WHEREAS, the Palm Beach County has modified the proposed
29 amendments to address the objections of the Department Community
30 Affairs.

31 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
32 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

1 Section 1. The 1989 Palm Beach County Comprehensive Plan as
2 adopted pursuant to Ordinance 89-17 is hereby amended in the
3 following respects:

4 1. Text Amendments contained in Exhibit "A" which is attached to
5 this Ordinance are hereby adopted.

6 2. The following maps contained in Exhibit "B" which is attached
7 to this Ordinance are hereby added to and adopted as part of the
8 1989 Comprehensive Plan: 1. Future Mass Transit Map; 2. 2010
9 Interim Transportation System Plan Map, A-East County, B-West
10 County.

11 3. The following maps contained in Exhibit "C" which is attached
12 to this Ordinance are hereby amended: 1. Thoroughfare Right-of-Way
13 Protection Map - A-East County and B-West County; 2. Existing and
14 Future Traffic Generators and Attractors Map. 3. Land Use Atlas,
15 pages 1, 2, 6, 7, 8, 9, 14 (modified to reflect Jonathan Dickinson
16 State Park Greenline Overlay).

17 Section 2. SEVERABILITY

18 If any section, paragraph, sentence, clause, phrase, or word of
19 this Ordinance is for any reason held by a court of competent
20 jurisdiction to be unconstitutional, inoperative or void, or
21 otherwise invalid, such holding shall not affect the remainder of
22 this Ordinance.

23 Section 3. INCLUSION INTO THE CODE OF LAWS AND ORDINANCES

24 The provisions of this Ordinance shall become and be made a part of
25 the Code of Laws and Ordinances of Palm Beach County, Florida. The
26 sections of this Ordinance may be renumbered or relettered to
27 accomplish such, and the word "ordinance may be changed to
28 "section," article," or any other appropriate word.

29 Section 4. EFFECTIVE DATE

30 The provisions of this Ordinance shall become effective upon
31 receipt of acknowledgement by the Secretary of State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on this 18th day of
3 September, 1990.

4 PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By Carol Glavin
7 Chair

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 Robert R. Burt
11 County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By Linda C. Hickman
DEPUTY CLERK

12 Acknowledgement by the Department of State of the State of
13 Florida, on this 28th day of September, 1990.

14 EFFECTIVE DATE: Acknowledgment from the Department of State
15 received on the 4th day of October, 1990, at 2:08 p.m.,
16 and filed in the Office of the Clerk of the Board of County
17 Commissioners of Palm Beach County, Florida.

18 (comp)

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 9/18/90
DATED at West Palm Beach, FL on 10/4/90
JOHN B. DUNKLE, Clerk
By: Donna L. Gering D.C.
Deputy Clerk

Note: Exhibits on file in the Minutes Department